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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE APPLE IPHONE ANTITRUST
LITIGATION

CASE NO. 4:11-cv-06714-YGR

CASE NO. 4:19-cv-03074-YGR

DONALD R. CAMERON, *et al.*,

Plaintiffs,

v.

APPLE INC.,

Defendant

**DECLARATION OF SEAN CAMERON IN
SUPPORT OF APPLE'S OPPOSITION TO
EPIC'S MOTION TO COMPEL
PRODUCTION OF DOCUMENTS**

Hon. Yvonne Gonzalez Rogers
Hon. Thomas S. Hixson

1 I, Sean Cameron, declare as follows:

2 1. I make this declaration in support of Apple's Opposition to Epic's Motion to Compel
3 Production of Documents. I have personal knowledge of the matters stated herein, and if called upon
4 to do so, I could and would competently testify hereto.

5 2. I am currently an attorney in Apple's corporate legal department. In that role, I provide
6 legal advice to Apple executives and employees on a variety of issues, including, but not limited to,
7 the potential legal implications and effects of new Apple programs and products, as well as legal advice
8 regarding the strategic decision-making, planning, and marketing related to these new Apple programs
9 and products. I was closely involved in Apple's creation and development of the Small Business
10 Program announced in November 2020 and provided legal advice to Apple's executives and
11 employees, including Phillip Schiller, Eddy Cue, and Carson Oliver, throughout that process.

12 3. During the entire process of considering, designing, decisioning, and rolling-out the
13 Small Business Program, myself and another Apple lawyer, Jason Cody, were involved in every step
14 of the process. Other members of the Apple Legal team, including Apple General Counsel Kate Adams
15 and Apple Associate General Counsel Douglas Vetter, were also involved in this process. Overall, our
16 roles in the process were to: 1) to analyze plans, data, and documents relevant to the contemplated
17 program to identify potential legal risks of the program; 2) consult with the responsible Apple business
18 people regarding the various potential legal risks of the program; 3) consider ways to structure the
19 program to eliminate or ameliorate those risks, and discuss those potential structures with Apple
20 business people; and 4) work with Apple business people, in light of the information we had learned,
21 to launch the program in a manner that minimized legal risks, including the review and revision of
22 documents informing, discussing, describing, and announcing the program.

23 4. Some of the risks that I was concerned about in the process of advising on the Small
24 Business Program included the following: competition (e.g., determining eligibility for the program
25 and the potential legal implications of treating some developers differently than others), data privacy
26 (e.g., opt-in vs. automatic enrollment, as well as providing notice to and obtaining consent of
27 developers), false advertising (e.g., Apple's communications with developers about the program), fraud
28 (e.g., how some participants may try to obscure their finances or corporate structures to become or

1 remain eligible for the program), and money laundering (e.g., the commission could not be zero because
2 that could result in opportunities for developers to engage in money laundering).

3 5. As part of this process, I regularly reviewed documents that I had either requested and
4 analyzed, drafted, revised, or otherwise worked on in connection with the project described in
5 Paragraphs 3 and 4, above. These documents were typically labeled “privileged and confidential”
6 and/or “attorney work product,” and I kept them confidential because they were part of my work in
7 learning about, considering, and then advising the Apple business people regarding this contemplated
8 program.

9 6. The document produced with Bates-number APL-APPSTORE_10170219, which is
10 labeled “Privileged and Confidential,” is a version of a draft Keynote presentation regarding the Small
11 Business Program that I reviewed and revised to provide legal advice regarding various legal risks
12 related to the Small Business Program, including some of the concerns identified in Paragraph 4, above.
13 This draft reflects legal advice that Mr. Cody and I provided to Apple business people in connection
14 with this program.

15 7. APL-APPSTORE_10170219 is a different version of other draft Keynote presentations
16 regarding the Small Business Program that I understand were inadvertently produced in this litigation
17 and subsequently clawed back. As with APL-APPSTORE_10170219, I reviewed and revised those
18 presentations to provide legal advice regarding various legal risks related to the Small Business
19 Program, and those drafts reflected legal advice that Mr. Cody and I provided to Apple business people
20 in connection with this program.

21
22 I declare under penalty of perjury under the laws of the United States and the State of California
23 that the foregoing is true and correct, and that I executed this declaration on the **24th of April**, 2021 in
24 **San Jose**, California.



25
26 Sean Cameron